

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:95-CR-156-1H

UNITED STATES OF AMERICA

v.

DWAYNE MANNING,

Defendant.

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ORDER

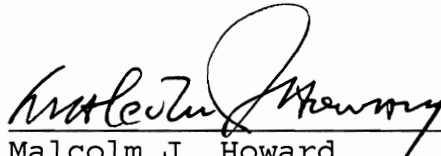
This matter is before the court on defendant's motion for return of property [DE #78]. The government has responded, and this matter is ripe for adjudication.

The court has reviewed the matter and finds that defendant's motion is without merit. Defendant claims that during his initial arrest \$3,397.00 and other miscellaneous items were taken from him. The United States Attorney's Office, Criminal Division, for the Eastern District of North Carolina responds that after a thorough search of the government's records, including the files of the Bureau of Alcohol, Tobacco, Firearms and Explosives, there is no record of such a seizure. In addition, the government sought no forfeiture in this matter. Therefore, the government has no property that can be lawfully returned to the defendant. As noted in the government's response, to the extent defendant argues that local officials in

Cumberland County may have other property, he must pursue those claims with those authorities or within the courts of the State of North Carolina.

Therefore, defendant's motion [DE #78] is DENIED.

This 10th day of August 2011.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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